



COMMONWEALTH OF MASSACHUSETTS
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Commissioner

July 17, 2008

In the Matter of Sutherland Properties, Inc.

Docket No. WET-2008-010
DEP File Nos. 72-1053
Swansea

RECOMMENDED FINAL DECISION

This matter involves a request by the Applicant/Petitioner for an adjudicatory hearing on the terms of a Superseding Order of Resource Area Delineation (the "SORAD") issued by the Southeast Regional Office of the Department of Environmental Protection (the "Department") regarding property abutting the Coles River in Swansea

On July 16, 2008, the Applicant/Petitioner and the Department submitted to the Office of Appeals and Dispute Resolution ("OADR") a Joint Stipulation of Dismissal to "withdraw their Notice of Claim of Adjudicatory Appeal of the SORAD, which was issued by the Department of Environmental Protection ("DEP") on January 23, 2008

For the reasons set forth above, I recommend that the appeal be dismissed because it is moot. As a result, the Superseding Order of Resource Area Delineation will become a final decision of the agency.



NOTICE

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's Final Decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Philip Weinberg
Presiding Officer